

**TOWN OF KIRKWOOD
TOWN BOARD MEETING**

March 4, 2025

A regular meeting of the Kirkwood Town Board was held on March 4, 2025 at 6 PM at the Joseph A. Griffin Town Hall with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Marc Latini
Councilmember Katie Legg
Councilmember Sandy Wasson

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
Poe Williams, Highway Superintendent
Karen Ferguson, Historian

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: February 4, 2025 Town Board Meeting and
(3) February 25, 2025 Public Hearings

PUBLIC PARTICIPATION:

John Finch, Jr. of Route 11 spoke to the Board to address issues he has been made aware of regarding Poe Williams over the past month. The first matter mentioned was Poe Williams plowing private businesses with a Town vehicle, such as, his own private property, his business on Route 11, and a property on Colesville Road. John Finch questioned why he would be doing this. Poe Williams explained that he plows a pass around his garage because he checks in there every day, and he lifts weights every morning at Myer's Farm so he plows his way in and plows his way out. John Finch claimed that doing such plowing is not allowed by the State or the Town. The next issue John spoke to the Board about was Poe Williams driving to Marathon, using the Town truck and fuel, checking on his son's business, numerous times during the week. Which also made John Finch question how he could be getting a full understanding of his new position when he is spending so much time away from the Town. John Finch suggested that Poe Williams should know this is not allowed and that it is a serious matter that needs to be dealt with. Poe Williams explained that since he is always on call when he has the Town truck, he would go check on his son and come right back. Mr. McKertich explained that town vehicles can't be used to plow private businesses or your own private property. Town plows are used for town roads and town properties. The use of a town vehicle to make a personal errand of that nature is also not allowed, since that is taxpayer funded fuel and a taxpayer funded truck. Poe Williams explained that he did not know he wasn't supposed to do this and said, "no problem".

COMMUNICATIONS: None.

COMMITTEE REPORTS:

Dog Control Report.

Councilmember Legg reported numbers from the February 2025 Dog Control Report. A copy is filed in the Town Clerk's office.

Youth Program.

Councilmember Legg reported that spring sports registration is continuing through March 15, 2025.

Historian Report.

Karen Ferguson announced that she will be speaking for the Daughters of the American Revolution on Saturday, March 8, 2025. Through her research for that presentation, she has found that at least 10 original settlers served in the Revolutionary War. Speaking of the soldiers, Karen announced that the ceremony for the dedication of the Kirkwood Cemetery Patriot Burial Marker is tentatively scheduled for Saturday, June 7, 2025 and that the Town Board will be invited to attend. The Patriot Burial Marker application for Riverside Cemetery is progressing and she would also like to pursue one for the Layton Cemetery next to the Travel America Truck Stop.

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Karen also announced that the digitization process for our historical records has been completed and those files will be uploaded for public review shortly. Our documents will be returned shortly, along with our own digital copy.

Howard Street – Sewer Break.

Councilmember Diffendorf questioned the Howard Street sewer break and Poe Williams explained the break was 12 feet deep and about 4-5 feet of pipe that was destroyed. It was a tight fit because of a water line running next to the sewer line and a driveway that was right there also. It was dug out with a small excavator. Everything was loaded on a truck so there was no mess left.

Water Issues Continue.

Supervisor Grubham reported that the Town’s brown/discolored water issue seems to be getting worse. He has received some pricing information to put in a new filter system from Layne, the company that put in the original filter system, which does not work anymore. Supervisor Grubham is trying to find a way to pay for such a project, which could cost well over \$1 million. Something has to be done, the Town can’t have water like this.

OLD BUSINESS:

Councilmember Diffendorf moved to adopt resolution, after a Public Hearing, adopting Local Law No. 1-2025 entitled “A Local Law Amending Article XV, Section 1502.3.A.4 of the Zoning Code Regarding Planning Board Meeting Dates”, in accordance with the attached resolution. Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution, after a Public Hearing, adopting Local Law No. 2-2025 entitled “A Local Law Amending the Water Mains Local Law Regarding Penalties for Non-Compliance”, in accordance with the attached resolution.

Councilmember Legg seconded.
Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Legg moved to adopt resolution, after a Public Hearing, adopting Local Law No. 3-2025 entitled “A Local Law Establishing a Date for Meeting of the Board of Assessment Review”, in accordance with the attached resolution. Councilmember Latini seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Latini moved to adopt resolution authorizing the Budget Journal Entries, in accordance with the attached Journal Entries. Councilmember Diffendorf seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

42:25
Adopt
LL#1
Amend
Planning Board
Meeting Dates

43:25
Adopt
LL#2
Amend
Water Mains LL
Penalties-Meters

44:25
Adopt
LL#3
Establish
BAR
Meeting Date

45:25
Authorize
Budget
Journal Entries

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Councilmember Diffendorf moved to adopt resolution authorizing Michael Wolyniak to review the financial records of the Town's Justice Court for the year 2024, at a cost not to exceed \$1,000, in accordance with the attached letter. Councilmember Wasson seconded.

46:25
Authorize
Court Audit

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution pursuant to Not-For-Profit Corporation Law Section 1402(c)(3) approving the Membership Roster for Kirkwood Fire Company, with the understanding that the members so approved will be assigned to the positions for which they have been qualified for, in accordance with the attached roster. Councilmember Legg seconded.

47:25
Approve
Roster
Kirkwood Fire
Company

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Legg moved to adopt resolution authorizing Chad Moran to attend the 2025 Webster Dog Control Education Seminar, May 14-15, 2025 at the West Webster Fire Hall, Webster, NY, at a cost of \$160 registration fee and a \$127 for one night hotel stay, with all reasonable expenses paid. Councilmember Latini seconded.

48:25
Education
C.Moran
Dog Control

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Latini moved to adopt resolution appointing Rachael Farrell as Clerk, PT to work in the Town Court, effective March 11, 2025, at a rate of pay of \$22 per hour. Councilmember Diffendorf seconded.

49:25
Appoint
R.Farrell
Clerk PT
Court

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Diffendorf moved to adopt resolution amending the FOIL Rules & Regulations, in accordance with the attached Rules & Regulations. Councilmember Wasson seconded.

50:25
Amend
FOIL
Policy

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

Councilmember Wasson moved to adopt resolution amending the Town of Kirkwood Youth Program Background Check Policy, in accordance with the attached policy. Councilmember Legg seconded.

51:25
Amend
Youth Program
Policy
Background
Check

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

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52:25
Amend
Youth Program
Forms

Councilmember Legg moved to adopt resolution amending the Town of Kirkwood Youth Program Consent/Release Form, the Release of Liability for Minor Participants, and the Rules for Volunteer Coaches, in accordance with the attached forms. Councilmember Latini seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

53:25
Agreement
Expenditure of
Highway
Moneys

Councilmember Latini moved to adopt resolution authorizing the Highway Superintendent to enter into an agreement with the Town Board regarding Expenditure of Highway Moneys, in accordance with the attached agreement. Councilmember Diffendorf seconded. **Discussion.** Councilmember Diffendorf and Supervisor Grubham briefly discussed the agreement. It was noted the roads listed on the south end of town will get stone and oil, it has been nine years since the approval of their initial surfacing.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

54:25
Summer
Hours
Change
DPW
DENIED

Councilmember Wasson moved to adopt resolution authorizing the highway personnel to begin their summer hours on Wednesday, April 2, 2025 and end on Tuesday, September 9, 2025, Monday – Thursday from 6 AM to 4 PM. Councilmember Legg seconded.

Discussion. Councilmember Diffendorf suggested the dates stay as they are written in the agreement. The start date for summer hours in the agreement is April 30, 2025. As the Safety Officer, Councilmember Diffendorf explained several points to his reasoning, such as, it will still be dark at 6 AM, not enough flaggers available since the Town has a limited crew, many people are driving to work at that time and can't see our workers, and later in the month is much safer because of the daylight. Councilmember Diffendorf understands it is necessary to go out early in an emergency situation but putting the highway workers out there in the dark unnecessarily is not safe. Poe Williams noted that if the guys arrived at 6 AM they wouldn't get out on the road until 6:30 AM and he felt it was light at that time. Councilmember Wasson asked if a compromise could be done, maybe meet in the middle of the month. Supervisor Grubham expressed his opinion that the end of April was already pushing it with the summer hours schedule.

Roll Call Vote: Councilmember Diffendorf - no
 Councilmember Wasson - no
 Councilmember Legg - no
 Councilmember Latini - no
 Supervisor Grubham - no

MOTION DENIED.

55:25
Education
W.Diffendorf
PERMA

Councilmember Legg moved to adopt resolution authorizing William J. Diffendorf, Jr. to attend PERMA's 2025 Annual Member Conference at Turning Stone Resort/Casino, May 15-16, 2025, with all reasonable expenses paid including tolls and mileage.

Councilmember Latini seconded.

Roll Call Vote: Councilmember Diffendorf - abstain
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

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OTHER:

Councilmember Latini moved to adopt resolution approving the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for William J. Diffendorf, Jr., Councilperson, for a term of office of 2025-2028 and for Safety Officer for the year 2025, Kelley M. Diffendorf, Town Clerk and Registrant of Vital Statistics for a term of office of 2025-2028, and Julie Wyatt, Budget Officer PT for the year 2025, in accordance with the attached resolution. Councilmember Wasson seconded.

56:25
Retirement
W.Diffendorf
K.Diffendorf
J.Wyatt

Roll Call Vote: Councilmember Diffendorf - abstain
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

AUDIT AND PAYMENT OF CLAIMS:

Councilmember Diffendorf moved to adopt resolution authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts (Fire, Light, Water and Sewer Districts), Professional Services, Capital Projects and Reserve Funds claims #25000197 through #25000292 the total amount of \$316,855.23, which includes prepaid claims as authorized by resolution adopted January 7, 2025.

57:25
Audit/Pay

Councilmember Wasson seconded.

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

NEW BUSINESS:

Councilmember Wasson moved to adopt resolution to enter Executive Session to discuss the employment history of a particular person, pursuant to Public Officers Law section 105(1)(f). Councilmember Legg seconded.

58:25
Exec Session

Roll Call Vote: Councilmember Diffendorf - yes
 Councilmember Wasson - yes
 Councilmember Legg - yes
 Councilmember Latini - yes
 Supervisor Grubham - yes

MOTION CARRIED.

ADJOURNMENT:

Councilmember Latini moved to adopt resolution to adjourn the meeting. Councilmember Diffendorf seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 7:38 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk